



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/621,407

07/21/2000

William J. Domino

19308.0116U1

4082

35856

7590

03/24/2008

SMITH FROHWEIN TEMPEL GREENLEE BLAHA, LLC

Two Ravinia Drive

Suite 700

ATLANTA, GA 30346

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/621,407

Applicant(s)

DOMINO ET AL.

Examiner

MELODY MEHRPOUR

Art Unit

2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 January 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
 Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 1-23.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
 13. ☐ Other: _____.

/Naghme Mehrpour/
Primary Examiner, Art Unit 2617

Continuation of 11, does NOT place the application in condition for allowance because:

Response to Arguments

Applicant's arguments filed 1/31/08 have been fully considered but they are not persuasive.

In response to the applicant's argument that "Rozenblit fails to teach a direct-conversion receiver receiving a signal modulated on a carrier frequency signal, the direct-conversion receiver further comprising one or more subharmonic local oscillator mixers, a local oscillator coupled to the direct conversion receiver coupled to the direct conversion receiver, the local oscillator generating a signal having a frequency equal to a subharmonic of the carrier frequency signal; and transmitter coupled to the local oscillator."

The Examiner asserts Rozenblit teaches the frequency difference between the transmit and receive bands is a fixed carrier signal, and can vary within a predetermined frequency range.

Rozenblit teaches the translation loop upconverter is configured to increase the carrier frequency of the output of the quadrature modulator so that it is at the appropriate frequency for transmission. In the case of DCS, the transmit band is 1710-1785 MHz. In the case of GSM, the transmit band is 890-915 MHz. The appropriate frequency for transmission is the selected channel within the appropriate transmit band, which has a frequency equal to that of the selected channel in the receive band minus the frequency offset for the band. In two configurations, the output of the PLL is shared by the translation-loop upconverter in that a signal derived from the output from the PLL is provided to the filtered LO input of the downconversion mixer in the translation loop upconverter. In the case of the GSM band, the PLL output is applied directly to the filtered LO input of the mixer. In the case of the DCS band, the PLL output, after passage through the doubler, is applied to the LO input of the mixer. A related method of providing full duplex transmission and reception is provided which comprises the following steps: selecting a band from a plurality of bands; receiving a signal at a channel within the selected band, the channel having a frequency; directly converting the signal to a baseband signal using a first signal derived from a local oscillator signal, the first signal being an n th subharmonic of the channel frequency, wherein n is an integer greater than 1; upconverting a second baseband signal to a transmission frequency; and transmitting the upconverted signal.

If the applicant wish to still go for appeal he has to file a new appeal brief.